



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**COCN No. 708 of 2025 (O&M)
Date of Decision: 28.03.2025**

Ajay Hooda and others

..... Petitioners

Versus

Mahender Singh, Inspector (141/GGM), the then SHO,
Police Station, Sadar Ballabhgarh, District Faridabad,
Haryana through Commissioner of Police, Faridabad
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. (Dr.) Anmol Rattan Sidhu, Senior Advocate, assisted by
Mr. Padam Sankhla, Advocate
for the petitioners.

HARKESH MANUJA, J. (ORAL)

CM-6130-CII-2025

Application is **allowed**, as prayed for, subject to all just
exceptions. Leave to file the application without Roll of Advocate is granted.

Registry to do the needful.

CM-6131-CII-2025

Application is **allowed**, as prayed for, subject to all just
exceptions. Charge-sheet dated 26.08.2023 is taken on record as Annexure
P-15.

Registry to do the needful.

MAIN CASE

In the present case, short point professed on behalf of the
petitioners for the purpose of invoking contempt jurisdiction is the alleged
violation of the directions issued by the Hon'ble Apex Court in case of

“D.K. Basu Versus State of West Bengal”, Supreme Court Reports [1996]

Supp. 10 S.C.R., the relevant portion thereof is extracted hereunder:-

“ We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or detention till legal provisions are made in that behalf as preventive measures:

(1) XXXXXXXX

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by atleast one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.”

[2] Learned Senior Counsel appearing on behalf of the petitioners, while referring to the Arrest Memo (Annexure P-2 / Page-21) submits that at the time of arrest, neither any member of the family of arrestee attested the memo of arrest nor it was got attested from any respectable person of the locality.

No other point has been raised on behalf of the petitioners.

[3] I have heard learned Senior Counsel for the petitioners and gone through the paper-book.

[4] A perusal of the directions issued by the Hon’ble Apex Court in ***D.K. Basu’s case (supra)*** reflects that (a) at the time of carrying out the arrest of the arrestee, the police officer shall prepare a memo of arrest; (b) such memo shall be attested by at least one witness; and (c) the witness may either be a member of the family of the arrestee or a respectable person of the

locality from where the arrest is made.

[5] Record shows that in the present facts and circumstances, the arrest memo was prepared while making the arrest of the petitioners from Police Station, Sadar Ballabhgarh, District Faridabad and the same was even counter-signed by two witnesses, namely, Constables Sukhdev (No. 3957) and Sohan Lal (No. 2609), Police Station, Sadar Ballabhgarh, District Faridabad. In such circumstances, when the arrest of the petitioners was made from the Police Station, Sadar Ballabhgarh, District Faridabad; for all intents and purposes, the arrest memo being signed by the two aforesaid constables of the said police station needs to be treated as compliance of the directions issued by the Hon’ble Apex Court in *D.K. Basu’s case (supra)*.

[6] In view of the above, in the humble opinion of this Court, it appears that no case is made out against the respondents for alleged willful violation of the aforesaid directions passed by the Hon’ble Apex Court in *D.K. Basu’s case (supra)*; thus, present contempt petition is hereby dismissed.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

March 28, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No